

EXHIBIT 84

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Mark Nunez, et al.,

Plaintiffs,

-against-

The City of New York, et al.,

Defendants.

11-cv-5845 (LTS) (JCF)

DECLARATION OF CARLTON JAMES

CARLTON JAMES, declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. My name is Carlton James, and I am currently in Bellevue Hospital Center receiving treatment for catastrophic injuries caused by New York City Department of Correction officers in the Vernon C. Bain Center (VCBC) on May 11, 2023.

2. I understand that a court-appointed Monitor reported about this incident—referred to as “Incident #1” in the Monitor’s report dated May 26, 2023 (ECF No. 533). I am the subject of “Incident #1”.

3. On May 11, 2023, I was confined in DOC custody in VCBC. On that date, DOC officers twice used unnecessary and excessive force against me.

4. The first use of force was in a hallway leaving the elevator. Many correction officers took me to the ground.

5. After the first use of force, DOC officers rear-cuffed me and placed me in leg restraints. They lifted me off the ground (such that I was nearly parallel to

the ground), tossed me onto a gurney, and took me to another room. I remained rear-cuffed and shackled by the feet.

6. The Monitor's description of what happened to me inside this room, based upon a video of the incident, has been read to me. That description is generally consistent with my present memory of what happened.

7. When the officers used force against me and tackled me inside of the room, I was unable to break my fall because I was rear-cuffed and shackled by the feet.

8. The officers caused my head to slam into a bench or something like a bench. From that point forward, I lost use of my limbs. I was in tremendous pain.

9. The officers then lifted me and tossed me onto a gurney, but because I had no use of my limbs, I was unable to assist them. I was unable to control anything below my neck.

10. I have been hospitalized since the date of the incident-- first at Lincoln Hospital, then I was transferred to Bellevue Hospital. I have been advised by the doctors that I sustained a spinal cord injury in my neck as a result of trauma caused by the incident. I had to undergo multiple surgeries on my neck. A feeding tube was placed. I was on a ventilator. I now have quadriplegia and have no use of my limbs. Though I am no longer in DOC custody, I still remain at Bellevue Hospital and no discharge date has been provided.

11. Because I am unable to use my hands, I am attempting to sign this declaration by using a pen in my mouth to write a "X" above the signature line below.

Dated: November 10, 2023
New York, New York

A handwritten signature in black ink, consisting of a stylized 'X' shape, positioned above the signature line.

CARLTON JAMES